

Application No. : 09/975,142  
Filed : October 10, 2001

### REMARKS

Claims 1-27, 32-45 and 58 were pending in the application. By this paper, Applicant has cancelled Claims 10, 25-26, and 34-37 without prejudice, amended Claims 1, 4, 6, 9, 11, 15, 21, 32, and 58, and added new Claims 60-63. Hence, Claims 1-9, 11-24, 27, 32-33, 38-45, 58 and 60-63 are presented for examination herein.

#### *§102 Rejections*

**Claim 1** – Per page 2 of the Office Action, the Examiner rejected Claim 1 as being anticipated by Bissell et al. (US 6,658,108, hereinafter “Bissell”). Applicant has herein amended Claim 1 to substantially include the limitations of previously presented dependent Claim 4 (with some additional amendments), thereby overcoming the Examiner’s rejection.

Per page 3 of the Office Action, the Examiner had rejected previously presented Claim 4 as being anticipated by Bissell, however Applicant respectfully submits that Bissell neither teaches nor suggests the limitations of Claim 1 as amended herein. In particular, it is Examiner’s contention that Bissell teaches, *inter alia*, a “power line interface adapted to transmit data over at least one power line local to said gateway module.” Applicant believes this is a mis-interpretation of what the Bissell reference attempts to teach. Bissell only teaches the transmission of power over a premises network (i.e., existing telephone wiring or cable network); Bissell does not teach a power line interface, or the transmission of data over at least one power line **by the interface**. Even if, *arguendo*, the telephone wiring or cable network were adapted to carry data, Bissell does not teach a power line interface that (i) interfaces with power distribution wiring of the premises, or (ii) transmits data over such power distribution wiring of the premises. Stated simply, the telephone lines and cable of Bissell are not premises power distribution wiring (i.e., indigenous wiring for the primary purpose of power distribution), nor does the “interface” of Bissell transmit data over that wiring.

Applicant respectfully notes that the Examiner has merely pointed to “Column 3, line 21 through column 6, line 7 and figures 1 and 2” (essentially the entire Bissell patent specification) in support of his assertion. Applicant requests that Examiner specifically point to where Bissell teaches the foregoing functionality as recited in Applicant’s amended Claim 1.

Applicant respectfully submits that Claim 1 and all claims depending therefrom distinguish over the art of record, and are now placed into condition for allowance.

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**Claim 4** – By this paper, applicant has amended Claim 4. Support for this amendment is found, *inter alia*, on page 13, lines 8-20 of the application, and hence no new matter is introduced.

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**Claim 6** – Applicant has amended Claim 6 to more clearly and distinctly point to what applicant regards as his invention. Support for this amendment can be found, *inter alia*, at page 14, lines 20-27 of the application. No new matter is introduced.

10 **Claim 9** – Per page 4 of the Office Action, the Examiner rejected Claim 9 for the reasons set forth in the rejection of Claims 1-8.

By this paper, Applicant has amended Claim 9 to include limitation relating to an interface module operatively coupled to a dedicated premises power line and the recited modulator/demodulator apparatus, the interface module being adapted to transmit and receive data over the power line.

15 Applicant respectfully can find no support for the Examiner's contention that Bissell teaches an "interface module being adapted to transmit and receive data over a (dedicated) power line. Applicant believes that Bissell merely teaches the transmission of power over a premises network and does not teach the transmission/reception of data over a dedicated premises power line (e.g., 115 VAC/60 Hz wall wiring). Again, as the Examiner essentially pointed to the entire Bissell patent in support of his assertion, Applicant respectfully requests that the Examiner specifically point out the where the Bissell reference teaches the aforementioned functionality.

20 **Claim 21** - Per page 4 of the Office Action, the Examiner rejected independent Claim 21 for the reasons set forth in the rejection of Claims 1-8.

Applicant has herein amended Claim 21 to include the limitations of previously presented dependent Claims 25 and 26. Applicant believes that Bissell does not teach, *inter alia*, a method of "detecting ground faults present on said telecommunications line." Again, the Examiner has essentially cited the entire Bissell patent in support of his assertion. Applicant respectfully requests that the Examiner specifically point to where Bissell teaches or even remotely suggests detecting ground faults present on a telecommunications line. As applicant does not believe that

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Bissell teaches such functionality, and hence submits that Claim 21 and all claims depending either directly or indirectly therefrom, are in condition for allowance.

**Claim 32** - Per page 4 of the office action, the Examiner rejected independent Claim 32 for the reasons set forth in the rejection of Claims 1-8.

Applicant has herein amended Claim 32 to include the limitations of previously presented dependent Claims 34-37. Applicant believes that Bissell does not teach, *inter alia*, a selection apparatus comprising an address generator. As the Examiner essentially pointed to the entire Bissell patent in support of his assertion that Bissell anticipated Claims 32 and 34-37, Applicant respectfully requests that the Examiner specifically point to and support his assertion that Bissell teaches a selection apparatus comprising an address generator.

Applicant respectfully submits that Claim 32 and all claims depending either directly or indirectly therefrom, are in condition for allowance as well.

**Claim 39** - Per page 4 of the Office Action, the Examiner rejected Claim 39 for the reasons set forth in the rejection of Claims 1-8.

Specifically, Applicant believes that Bissell in no way teaches or remotely suggests, *inter alia*, “a low frequency splitter operatively coupled to said telecommunications line.” Applicant respectfully requests that Examiner specifically point to support for his assertion that Bissell teaches a low frequency splitter operatively coupled to said telecommunications line.

Applicant respectfully submits that Claim 39, and all claims depending either directly or indirectly therefrom, are now in condition for allowance as well.

**Claim 58** - Per page 4 of the Office Action, the Examiner rejected Claim 58 for the reasons set forth in the rejection of Claims 1-8.

Applicant has herein amended Claim 58 to more precisely and distinctly claim what Applicant regards as his invention by including limitations relating to the recited power line interface means being adapted to transmit data over at least one dedicated premises power line local to the gateway module.

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Applicant submits that for reasons set forth previously herein, Claim 58 as amended is both novel and non-obvious over the prior art, including Bissell, and hence in condition for allowance.

5 *§103 Rejections*

Per page 5 of the Office Action, the Examiner had rejected Claims 12 and 16-18 as being unpatentable over Bissell in view of Applicant's admitted prior art. As Claims 12 and 16-18 depend either directly or indirectly from amended Claim 9 (previously discussed herein), Applicant believes that the Examiner's rejections have been rendered moot.

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*Other Remarks*

Applicant hereby specifically reserves the right to prosecute claims of different or broader scope in a continuation or divisional application.

15 Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

20 Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

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Respectfully submitted,

GAZDZINSKI & ASSOCIATES

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